



DOCKET NO. 3462.1007-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

☐ Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHODS FOR SORTING UNDIFFERENTIATED CELLS AND USES THEREOF

the specification of which (check one)

- ☐ is attached hereto.
- ☒ was filed on November 21, 2003 as United States Application Number 10/719,702.
- ☐ was filed on [] as PCT International Application No. [] and assigned United States Application No. [].
- ☐ and was amended on [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
<u>2003-092465</u> (Number)	<u>Japan</u> (Country)	<u>28 March 2003</u> (Day/Month/Year filed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year filed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As a named inventor, I hereby appoint the attorneys and/or agents associated with
Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, Concord, Massachusetts 01742-9133,
Customer No. 21005,

to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please send correspondence to:

[X] Customer No. 21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road
Concord, MA 01742-9133

Direct telephone calls to: David E. Brook, Esq. Telephone No.: 978-341-0036

Direct facsimiles to: David E. Brook, Esq. Facsimile No.: 978-341-0136

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Tomoyuki Tokunaga

Inventor's Signature

Tomoyuki Tokunaga

Date Feb. 24, 2004

Residence

c/o National Institute of Agrobiological Sciences,

2-1-2, Kannondai, Tsukuba-shi, Ibaraki 305-8602 Japan

Citizenship

Japan

Mailing Address

Same as above.

Full name of second joint

inventor, if any Tadashi Furusawa

Inventor's Signature

Tadashi Furusawa

Date February 24, 2004

Residence

c/o National Institute of Agrobiological Sciences,

2-1-2, Kannondai, Tsukuba-shi, Ibaraki 305-8602 Japan

Citizenship

Japan

Mailing Address

Same as above.

Full name of third joint

inventor, if any

Chris Honda

C.H.
February 24, 2004

Inventor's Signature

Chris Honda

Date February 24, 2004

Residence

c/o National Institute of Agrobiological Sciences,

2-1-2, Kannondai, Tsukuba-shi, Ibaraki 305-8602 Japan

Citizenship

Japan

Mailing Address

Same as above.

Full name of fourth joint

inventor, if any Katsuhiro Ohkoshi

Inventor's Signature

Katsuhiro Ohkoshi

Date February 24, 2004

Residence

c/o National Institute of Agrobiological Sciences,

2-1-2, Kannondai, Tsukuba-shi, Ibaraki 305-8602 Japan

Citizenship

Japan

Mailing Address

Same as above.



PATENT

Certificate of Mailing: Date of Deposit: 4-23-04

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dawn M Myers
Printed name of person mailing correspondence

Dawn M Myers
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tomoyuki Tokunaga et al.

Art Unit: Unknown

Serial No.: 10/719,702

Examiner: Unknown

Filed: November 21, 2003

Title: Methods for Sorting Undifferentiated Cells and Uses Thereof

Assistant Commissioner For Patents
Washington, D.C. 20231

DECLARATION OF TOMOYUKI TOKUNAGA

I declare:

1. I am a co-inventor, along with Tadashi Furusawa, Chris Honda and Katsuhiro Ohkoshi, of the subject matter described and claimed in the above-referenced patent application.

2. I am a co-author on the Tadashi Furusawa *et al.* (The abstract of the 25th Annual Meeting of the Molecular Biology Society of Japan, p. 626, 1P-1224, 2002) publication. Any description of the invention described and claimed in the above-referenced patent application or in any continuation or divisional application thereof in this publication was the joint contribution of the present inventors alone, notwithstanding the inclusion of the additional authors, namely Misa Hosoe, Takuro Horii, Fumio Ike and Seiya Takahashi, who were merely working under the direction of the present inventors providing technical

assistance. These additional authors did not contribute to the conception and/or reduction to practice of the invention disclosed and claimed in the above-referenced application or in any continuation or divisional application thereof.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: February 24, 2004

Tomoyuki Tokunaga
Tomoyuki Tokunaga